

1-10-18
sec

FILED 1:00 pm
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2018 FEB 15 PM 1:29

STANLEY H. JENSEN, CLERK
CHEYENNE

Jason H. Robinson (WSB No. 7-4845)
BABCOCK SCOTT & BABCOCK, P.C.
370 East South Temple, 4th Floor
Salt Lake City, Utah 84111
Telephone: (801) 531-7000
Facsimile: (801) 531-7060
jason@babcockscott.com

Melissa A. Beutler (*pro hac vice*)
BIG-D CONSTRUCTION CORP.
404 South 400 West
Salt Lake City, Utah 84111
Telephone: (801) 415-6042
melissa.beutler@big-d.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

THE UNITED STATES OF AMERICA,
for the use and benefit of BIG-D
CORPORATION, a Utah corporation;
BIG-D CONSTRUCTION CORP., a Utah
corporation; and BIG-D
CORPORATION, a Wyoming
corporation,

Plaintiffs,

vs.

RFTER H CONSTRUCTION, LLC, an
Idaho limited liability company;
FIDELITY & DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation;
and DOES 1-10,

Defendants.

ANSWER TO WRIT OF
GARNISHMENT FOR BANK, SAVINGS
AND LOAN, CREDIT UNION, ETC.

Case No. 16CV115-J

RAFTER H CONSTRUCTION, LLC, an Idaho limited liability company.

Counterclaimant,

v.

BIG-D CONSTRUCTION CORP., a Utah corporation; and BIG-D CORPORATION, a Wyoming corporation,

Counterdefendants.

RAFTER H CONSTRUCTION, LLC, an Idaho limited liability company,

Third-Party Plaintiff,

v.

BIG-D CONSTRUCTION CORP., a Utah corporation; Big-D CORPORATION, a Wyoming Corporation,

Third-Party Defendants.

I, the undersigned, as GARNISHEE, verify and declare that the following answers are true and correct.

QUESTION # 1: Does the judgment debtor, individually or jointly, with any other person or entity, have on deposit with you any money in a checking account, savings account, certificate of deposit, trust or in any other form or do you have in your possession, custody or control any stocks, bonds, securities, choses in action or other personal property belonging to the judgment debtor, or in which the judgment debtor has an interest?

ANSWER: YES X, NO _____. If you answer is yes, describe the nature of the same:

\$ 202,084.31

QUESTION # 2: As garnishee, you have the right to retain or deduct out of the property, effects or credits of the judgment debtor in your hands all demands, whether or not due, against the judgment creditor or judgment debtor which you could have availed yourself if you had not been served as garnishee. Are you, pursuant to Wyo. Stat. §1-15-417(1977, as amended), retaining or deducting any property, effects or credits of the judgment debtor in satisfaction of a claim you have against the judgment creditor or judgment debtor?

ANSWER: YES _____, NO X. If you answer is yes, describe the nature of the same:

If you have money in your possession in an amount up to the amount owed on the judgment, see paragraph 1. of the WRIT, you may pay the same to this Court and by doing so you are released from further action under the garnishment. Otherwise, an order of the Court will be issued giving you directions as to what is to happen to the judgment debtor's property in your possession or under your control.

Be sure to sign and date this form. You can personally deliver the answer to the Court or mail the answer to

UNITED STATES DISTRICT COURT OF WYOMING
2120 Capitol Avenue
Room 2131
Cheyenne, WY 82001-3658

Copies your ANSWER should also be delivered to the following:

Jason H. Robinson
BABCOCK SCOTT & BABCOCK, P.C.
370 E. South Temple, 4th Floor
Salt Lake City, Utah 84111
Attorneys for Plaintiffs

Stephanie M. Renegold
Richard C. Boardman
Christine M. Salmi
PERKINS COIE LLP
1111 West Jefferson Street, Suite 500
Boise, Idaho 83702-5391
Attorneys for Defendant
Rafter H Construction, LLC

Donald F. Carey
Lindsey R. Romankiw
CAREY PERKINS LLP
980 Pier View Drive, Suite B
P.O. Box 51388
Idaho Falls, Idaho 83402-4918
Attorneys for Defendant
Fidelity & Deposit Company of Maryland

DATED: 2/12/18.

U.S. Bank
Xy V.
877-247-9468

Garnishee/Company Name

Signature

Amount enclosed, if any:

\$ 202,084.31.